THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 34510 of 1997

Dated: 04.04.2007

Between:

National Senior Basic Aided Upper
Primary School.

... Petitioner

AND

State of Andhra Pradesh, rep, by its
Secretary to Government, School Education
Department, Secretariat Buildings, Hyderabad
& another.

... Respondents

Counsel for the petitioner : None

Counsel for the respondents : Government Pleader for
School Education

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 34510 of 1997

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the 2nd respondent in transferring four aided posts of teachers from the petitioner's school to another school during the course of academic year 1997-98 as arbitrary, unjust, unfair and for a consequential direction to the 2nd respondent to withdraw the said action.

The petitioner is an aided school with a sanctioned strength of 10 Secondary Grade Teachers (for short "SGT"), 2 B.Ed., Assistants and 1 Hindi Pandit. On 04.09.1997, the Deputy Inspector of Schools, Urban Range, Rajahmundry visited the school and found the number of students, who attended different classes as under:

"	**Attendance**	**Roll**	**Long Absentees**
1st to V classes	143	459	184
VI class	15	56	22
VII class	24	44	20"

On the basis of the report submitted by the Deputy Inspector of Schools, Rajahmundry, which revealed that there was considerable reduction in the strength of the students with about 50% of the pupils being absent regularly, a decision was taken to

reduce the number of SGT posts to 7 as against 10, which were existing earlier. In addition to that one post of PV-I (Craft Instructor) was also withdrawn and they were transferred to another needy institution.

In the counter-affidavit filed by the District Educational Officer, the 2nd respondent sought to justify this action by stating that taking into consideration the teacher pupil ratio, action was taken to reduce the number of strength of the teachers.

Learned counsel for the petitioner is called absent. Learned Assistant Government Pleader for School Education made her submissions.

From the averments contained in the counter-affidavit and the contentions advanced by the learned Assistant Government Pleader, I am satisfied that the action of the respondents in withdrawing four teachers from the petitioner's school is taken on the basis of the reduction in the strength of the students on account of long absenteeism of the students and therefore this action does not call for any interference by this Court under Article 226 of the Constitution of India.

For the aforementioned reasons, the writ petition is dismissed. No costs.

_____

C.V. NAGARJUNA REDDY, J

Date: 04.04.2007
ES